

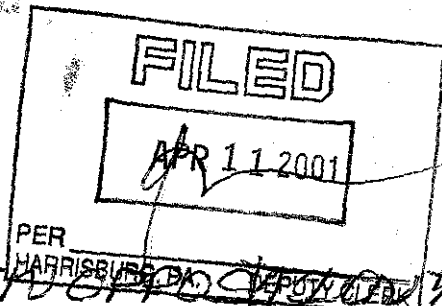
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(103)

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIAJOHN RICHARD JAE,  
Plaintiff

CIVIL NO. 00-0000

vs. JUDGE'S COPY

U.S. District Judge  
Magistrate Judge SmithKENNETH H. D. KYLER, et al.,  
Defendants

PLAINTIFF'S REPLY BRIEF IN OPPOSITION TO  
DEFENDANTS' BRIEF IN OPPOSITION TO PLAINTIFF'S  
MOTION TO PERMIT THE PLAINTIFF TO COMMUNICATE  
WITH INMATE AT SCI-CAMP HILL PRISON

Comes now the Plaintiff & his Counsel in the above  
Civil Action, John Richard Jae, as a Layman unlettered in  
Arts & Sciences of the Laws & Legal Procedures within  
the United States & now files his Plaintiff's Reply  
In Opposition to Plaintiff's Motion to Permit the  
Plaintiff's Motion to Permit the Plaintiff to Communicate  
with Inmate At SCI-Camp Hill Prison, herein, &  
avens, deposes & states =

On or about February 15, 2001, Plaintiff John Richard  
filed his Motion to Permit the Plaintiff to Communicate  
with Inmate At SCI-Camp Hill Prison & stated therein, facts alleging that Inmate Norman John  
is an Inmate up at SCI-Camp Hill/RHV, who was in  
in the RHV and near this Plaintiff during the relevant  
& time periods pertaining to this suit and Inmate

disputed material facts, which will show that the Defendants "are" "lying" as to such, here in this case, that, the Plaintiff needs to obtain the Affidavit from Inmate Norman Johnston to attach as an exhibit/evidence to his Reply Brief in Opposition to Defendants' Motion For Summary Judgment Memorandum of Law in Support, herein, however, Dept. of Correction prohibits inmates from correspondence with inmates and therefore, Plaintiff needs for an order from this court ordering Defendant Dragovich to allow this Plaintiff to send an Affidavit to HILL RHU Inmate Norman Johnston & allowing Norman Johnston to sign & return such Affidavit to the Plaintiff at which prison that this Plaintiff is confined in at such time, and that, given it would be an unfair & prejudicial manifestation of justice and an unconstitutional denial of due of law for this court to deny this Motion as well. Such Requested Order this Plaintiff "will" be unable to obtain such Affidavit from Norman Johnston & thus "will" be illegally denied relevant evidence & needs to combat & oppose the "lies" & disputed pleadings of Defendants' Motion For Summary Judgment pleadings, herein this case.

On or About March 20, 2001, Defendants, by filing their Brief in Opposition to Plaintiff's Motion Permit the Plaintiff to Communicate with an Inmate

In their Brief In Opposition To Plaintiff's Motion To Permit The Plaintiff To Communicate With An Inmate At Camp Hill Prison, Defendants fail to respond and address the facts & arguments which the Plaintiff raises therein his Motion To Permit The Plaintiff To Communicate With An Inmate At Camp Hill Prison. Instead they only argue "Before the plaintiff asks this Court to intervene he should follow Department procedure to obtain permission to correspond with another inmate until that procedure is exhausted, his motion is premature. - It should therefore be denied and, therefore, pursuant to Fed. R. Cr. P. 8(d) Defendants "must", by law, be deemed & held to have admitted the facts & arguments of the Plaintiff's Motion To Permit The Plaintiff To Communicate With An Inmate At Camp Hill Prison, herein this case.

As reference & stated above, herein, Defendants In their Brief In Opposition To Plaintiff's Motion To Permit The Plaintiff To Communicate With An Inmate At Camp Hill Prison Defendants argue, "Before the plaintiff asks this Court to intervene, he should follow Department procedure to obtain permission to correspond with another inmate until that procedure is exhausted, his motion is premature. 3/

However, by way of reply to such, the plaintiff over 1/ See Defendants Brief In Opposition To Plaintiff's Motion To Permit The Plaintiff To Communicate With An Inmate At Camp Hill Prison, herein this case.



submits, first of all, notably absent from the  
 Defendants' Brief is any citations of Case  
 Authorities or Statutes/Laws which are cited  
 support their argument here & Plaintiff believes  
 & therefore, avers & submits that that is  
 because there are <sup>not</sup> any case citations nor  
 Laws/Statutes available to support Defendant's argu-  
 here, because such argument is ludicrous & spurious.  
 Second of all, Defendants' Arguments here are  
 ludicrous & spurious because, in the first place  
 according to DOC Policy both the Superintendent  
 here at SCI-Greene ~~where~~ the Plaintiff is confined  
 at and the Superintendent at SCI-Camp Hill  
 (who is Defendant Dragovich) where Norman Johnston  
 is confined at, must approve such and the  
 reason we are in this here situation and the  
 reason as to <sup>why</sup> this Plaintiff had to file this  
 here Motion of this, is because when he had  
 tried to get permission from Defendant  
 Dragovich previously, while he was still housed  
 & confined at SCI-Camp Hill Prison himself.  
 Inmate Norman Johnston to be passed &  
 this here same Affidavit at issue, herein, and  
 so, it was and is futile and pointless for the  
 to have <sup>again</sup> not followed Department procedure  
 this when he had already done so last and so  
 Camp Hill Superintendent denied such & would  
 See Plaintiff's attached Exhibit A - hereto, c

deny such again, so why waste everybody's time & cause a delay in this here case for nothing, and, in the second place, by their Brief In Opposition To Plaintiff's Motion To Permit Plaintiff To Communicate With An Inmate At Camp Hill Prison and their argument therein the Defendants are illegally and unconstitutionally attempting to get this Court to unlawfully deny this Plaintiff relevant evidence/information which he needs in order to enable him to adequately, effectively & meaningfully respond & address & combat their Motion For Summary Judgment and Memorandum Of Law In Support to comply with and follow the provisions/requirements of Fed. R. Cr. P. 56(c) and do this because they know that such affidavits of Norman Johnston will only further support the Plaintiff's allegations & arguments and that the Defendants and Ben Livingood in Defendants' Memorandum Of Law In Support Motion For Summary Judgment and the Unsworn Declaration of Ben C. Livingood, accompanying herein.

Therefore, the Plaintiff's Motion To Permit Plaintiff To Communicate With An Inmate At Camp Hill Prison, is not premature and should not be ordered denied by this Court, but rather, as a matter of law, Defendants' Brief In Opposition should

(U) HERETOFORE, Plaintiff John Richard Dragovich, et al. requests that this Court will grant the Plaintiff's Motion for an Order Requiring Defendants to permit the Plaintiff to COMMUNICATE WITH AND WRITE INMATE AT SCI-Camp Hill Prison, Fayette, in full, herein this

IN THE ALTERNATIVE, it is requested that the Court stay the proceedings herein this case for a period of thirty (30) days from the date of its order on this Motion, to enable Plaintiff to follow Department procedure and make a request that he be permitted to communicate with Inmate Norman Johnston at SCI-Camp Hill Prison for the purposes of such Affidavit to give the SCI-Camp Hill Superintendent (Defendant Dragovich) and the SCI-Greene Superintendent to either approve or deny such legal communication, herein this Civil Rights Act.

AND HE SHALL EVER PR  
RESPECTFULLY SUBMIT

(S) John Richard Dragovich  
MR. JOHN RICHARD DRAGOVICH  
#BX-3319

Dated: 4th APRIL 2001

SCI-Greene/SMU  
175 PROGRESS DRIVE  
WAYNESBURG, PA. 15370-8